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PARTNERSHIP LAW DEFINED

Milder Language
Adopted by
Court.

Dr. Noblitt Turns From
Esculapius to
Blackstone.

Judge Little Erred in Granting a
Nonsuit—Judge Robinson
Vacates Judgment.

"The exceptions are sustained, the judgment reversed, a new trial ordered and the case remitted to the Circuit Court."

Such is the conclusion of a unanimous opinion of the Supreme Court, written by Justice Perry, in the case of Milton V. Holmes vs. Manoel F. Mello, an action of assumpsit for \$677.82. Plaintiff excepted to Judge Little's granting of a nonsuit at the close of his case. The appellate court finds that although much evidence sought to be introduced by the plaintiff was excluded, still sufficient was admitted to have justified the jury in finding that the plaintiff advanced money to pay defendant's share of expenses. In a cane-planting partnership to which parties both belonged with eight others, from time to time while the first crop was maturing, and that such advances were made in accordance with a prior understanding. It is held in effect that the circumstances take this case out of the ordinary limitations of partnerships, the syllabus of opinion reading thus:

"An action at law lies by one partner against another partner to recover money paid for the use of the defendant to meet his share of expenses of the partnership, such advances being in pursuance of an agreement made before the formation of the partnership and in order to launch the partnership."

ROAST MODIFIED.
The Supreme Court, since filing its decision in the Jose Antonio de Silva estate matter, has modified the language of the document. Instead of saying the record from Judge Gear "teems with irregularities, if nothing worse," the latter clause now reads, "if not reversible errors." There are other verbal changes dulling the edge of the criticism passed upon the court below. It will be remembered, Justice Galbraith dissented from his colleagues in this case.

JUDICIARY NOTES.
Defendants are given ten days more to fill their exceptions in the case of Kalamakee vs. Whatron and Waiakua Agricultural Co. In the damage suit of Fuller vs. Rapid Transit Co., the defendant has five days more for the same purpose.

Carl R. Peck has sent notice of appearance from San Francisco in the divorce suit entered here by his wife, Mary L. Peck.

Judge Robinson has vacated judgment and proceedings in the equity case of Hackfeld vs. Strauch, Mendonca and Markham, without prejudice, on motion of plaintiff.

A remittitur from the Supreme to the Circuit Court in the case of Chee Kit vs. Lee Lung has been filed. Domingos Ferreira's appeal from conviction of outrage upon one under age was argued and submitted before the Supreme Court yesterday.

DOCTOR TURNS LAWYER.
Dr. W. S. Noblitt has taken to the law, not as client but practitioner. Judge DeBolt has granted his application for a license to practice law in the district courts and before circuit judges at chambers on appeal.

Teachers Booked for Volcano.

Among others that will take advantage of the special volcano excursion scheduled for next Tuesday are Miss Nellie Sturtevant, Miss Maude Post, Mrs. Rosalia R. Weir, Miss Ella Rochester, Miss Mabel Dryer, Miss Edna Horner, Mrs. E. F. Girard, Miss M. Macpherson, Miss Helen Putnam, Miss Lillian Byington, Miss J. Neuman, Dr. A. N. Sinclair, Mrs. A. N. Sinclair and Miss Mae Giles. Mr. Antonio Q. Marcellino will accompany the party as conductor.

On the W. G. Hall of last Friday Mr. Trent sent up a large new United States flag to the Volcano House, and Manager Bidgood will conduct a patriotic flag raising celebration on July 4th, with appropriate ceremonies, in which the visiting party of teachers will take part. Altogether this excursion promises to be one of the most enjoyable, as well as the cheapest even yet run to the volcano.

Against All Precedent

"My boy," he said, as he led the way to the woodshed, "you've been very naughty today and have annoyed me greatly, but I want to say—"

"They all say that," retorted the boy, who thought he knew what was coming.

"I want to say," repeated the old man, as he reached for the switch, "that this gives me great pleasure."

OUR SUNDAY PICTORIAL SERMONETTE.

"Knock Not Lest You Be Knocked."



"OH GIRLS I SAW KATE WALLISON TO-DAY. WHAT WRETCHED TASTE THAT GIRL HAS! SHE IS THE TACKIEST DRESSER IN TOWN."



"THANK GOODNESS LUCY BROWNE HAS GONE AT LAST. IF THERE'S A GIRL IN THE WORLD THAT GETS ON MY NERVES, LUCY'S THE ONE."



"OH GIRLS, NOW THAT BLANCHE ROBINSON IS GONE I WANT TO TELL YOU SOMETHING I HEARD ABOUT HER TO-DAY. I'VE BEEN DYING FOR HER TO GO."



ALL THREE—"WELL, I WON'T GO FIRST. THEY'LL PROBABLY TALK ABOUT ME IF I LEAVE TWO OF THEM HERE ALONE."

SUMNER IS IN COURT AGAIN

Willie Ellis Asks to Have
Him Declared
Insane.

For a third time within five years an effort is being made to have John K. Sumner declared insane. This time it is one of his nephews, Willie Ellis, Judge Gear's bailiff, who is bringing the suit, and a petition was filed on his behalf by John W. Catacart yesterday.

Ellis wants the old man declared insane and a guardian appointed and asks also that Judge De Bolt issue an order restraining P. D. Kellet Jr., from paying out the \$48,025 which is no in the hands of the court, and which it is expected the Supreme Court will order turned over to Sumner this week.

In 1897 John K. Sumner was declared insane by Judge Perry but the order was reversed by the Supreme Court. The decision of the higher court was brought about, it is claimed, by an agreement by which Sumner agreed to put his property in trust with the Bishop of Honolulu.

A second suit was instituted a year ago by Sumner's sister, Maria S. Davis, to have him declared insane, and after this dragged along in court for several

weeks, another compromise was reached, by which it is said each of the Ellis children received \$10,000, St. Louis College a similar amount, while the attorneys divided up another \$10,000. Then Bishop Report asked to be relieved of his trusteeship and of the guardianship of the \$48,025 still remaining. The three Ellis children disputed the payment of this remainder to Sumner, but Judge De Bolt ruled against them.

Willie Ellis, one of the heirs brings this new suit. In his petition he says: "Now comes William Sumner Ellis" alleging that he is the grand nephew of John K. Sumner; that he and his brother John S. Ellis and his sister Victoria Ellis Buffandean and others named are the next of kin to John K. Sumner.

"That Sumner is an inhabitant of Honolulu and in the jurisdiction of the court, etc."

"That Sumner is possessed of real and personal property in Hawaii to the value of about \$75,000, including \$48,025, now in the custody of the court."

"That Sumner is of great age, 82 and past, and is weak and feeble in body and that by reason of old age and infirmity has suffered loss of memory and decay of his mind, resulting in, and to such an extent, that he is incapable of taking care of himself, and is incompetent to manage his estate and property, and has for some time past been incapable of understanding his affairs and intelligently transacting his business."

"That he is and has been for some time last past non compos mentis."

"That his mental faculties are impaired and decayed and his estate and property are liable to be wasted and lost unless a guardian be appointed."

"Wherefore it is asked that John K. Sumner by process of court be required to appear and answer the allegations herein and that some suitable person be appointed by the court as guardian."

The motion for a restraining order is based on the same facts as given in the petition and is for the purpose of retaining custody of the \$48,025 in court in case the Supreme Court orders it paid over to Sumner.

During the trial of the case before Judge De Bolt Sumner repeatedly expressed his willingness to have a trustee or someone to take charge of his money, appointed by the court, but the \$48,000 was tied up on appeal, and he had no need of a guardian for the money.

Fine Dinner Today.

The Palace Grill on Bethel street will serve green turtle soup, boiled culshers cod, egg sauce, turtle steak with sherry sauce, young turkey, deviled crab on half shell, deep sea bass and lobster, etc., at today's dinner from 5 to 8 p. m. Dinner 50c.

Misses Mary, Clara and Daisy Ena won honors in the recent musical exercises at the Dominican College, San Rafael, Cal.

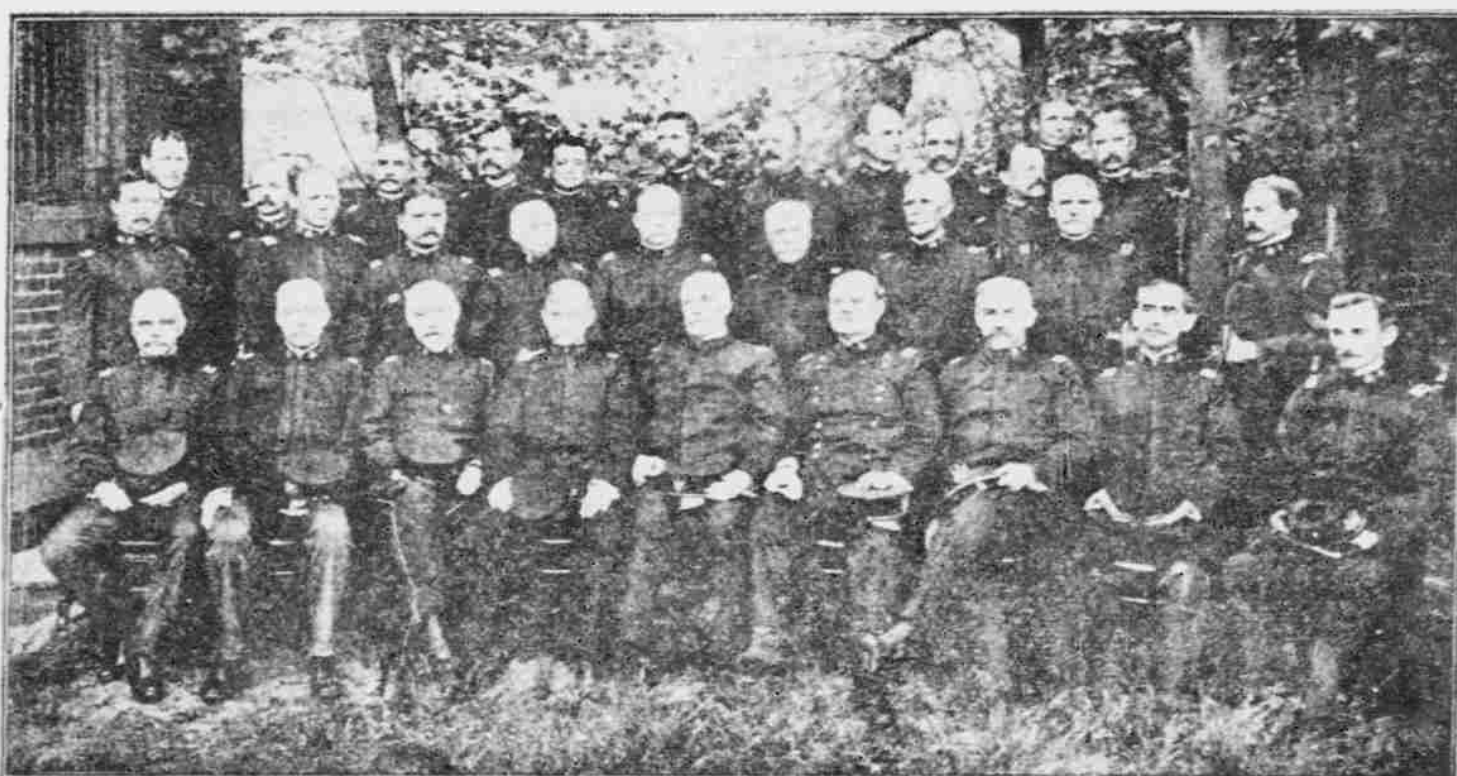
Dr. and Mrs. A. N. Sinclair with Miss Giles leave on the Kinau Tuesday for a month's vacation on Hawaii.

We prefer to live in a small town where all the people sympathize with you in trouble, and if you haven't any trouble will hunt up some for you.—Formosa New Era.

"Jones is a conscientious fellow." "What makes you think so?" "I watched him play solitaire for two hours last night, and he never cheated once."—Brooklyn Life.

"Wiggs says his new house has eighteen bath-rooms." "Must be a fine place! What does he call it?" "Plumber's Paradise."—Life.

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During these Hard Times

And until further notice the NEW ENGLAND BAKERY will sell from their store on Hotel street, commencing April 1st, 35 tickets, calling for 35 Loaves Bread, for One Dollar. Guaranteed best quality and full weight. Bread delivered from the wagons will be 28 Loaves for One Dollar. The difference is simply the cost of delivery, which benefit we extend to our customers.

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